

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TODD VOSS,

Plaintiff,

v.

Case No. 11-C-491

WILLIAM POLLARD,

Defendant.

ORDER DENYING CERTIFICATE OF APPEALABILITY

Petitioner Todd Voss, currently serving a state sentence for reckless homicide, filed a petition seeking habeas corpus relief under 28 U.S.C. § 2254. I dismissed the petition as procedurally defaulted, and I further found that even if Petitioner could get around the default, he would not have a winning argument on the merits. I failed, however, to issue a certificate of appealability in the body of that decision. I now conclude that a certificate of appealability should be denied. The petition was flawed both procedurally and on the merits, and thus I cannot conclude that jurists could reasonably debate the outcome. Nor can I find that Petitioner has demonstrated the denial of any constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, a COA is **DENIED**.

SO ORDERED this 29th day of August, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge